

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ) Case No. **08 MJ 1076**  
                            )  
                            ) 2008 APR -7 AM 10:35  
VS                         ) COMPLAINT FOR VIOLATION OF  
                            ) 21 U.S.C. Sections 952 & 960,  
Richard Donald SCOTT    ) Importation of a Controlled Substance  
                            )

The undersigned complainant being duly sworn states:

COUNT 1

That on or about April 5, 2008, within the Southern District of California, Richard Donald SCOTT did knowingly and intentionally import approximately 37 kilograms (81.4 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
Andrew Soule, Special Agent  
U.S. Immigration and  
Customs Enforcement

Sworn to before me and subscribed in my presence, this 7th day of April 2008.

  
Ruben B. Brooks  
United States Magistrate-Judge

TVM

1           **UNITED STATES OF AMERICA**

2           **v.**

3           **Richard Donald SCOTT**

5  
6           **STATEMENT OF FACTS**

7  
8           This complaint is based on the reports, documents and notes  
9 furnished to U.S. Immigration and Customs Enforcement Special  
10 Agent Andrew Soule.

11          On April 05, 2008, at approximately 1857 hours, Richard  
12 Donald SCOTT, a United States citizen, presented a California  
13 Identification Card (C2334194) to Customs and Border Protection  
14 Officer (CBPO) Jesus Segovia as SCOTT applied for entry into the  
15 United States at the San Ysidro, California, Port of Entry, from  
16 the Republic of Mexico. SCOTT was the driver and sole occupant  
17 of a 1996 Dodge Grand Caravan bearing California license plate  
18 5UMU168.

19          During the primary screening process, CBPO Segovia noticed  
20 that the vehicle had two prior crossings. SCOTT declared to have  
21 purchased the vehicle one week ago, no current or valid vehicle  
22 registration, claimed to have visited his ex-girlfriend who  
23 resides in Tijuana, Mexico, and was on his way to Long Beach,  
24 California. SCOTT was subsequently referred to the secondary  
25 inspection area for further inspection.

26          During secondary examination CBPO Brunette requested that  
27 CBP Canine Enforcement Officer (CEO) Joel Fernandez utilize his  
28 Narcotic Detector Dog (NDD) to screen the 1996 Dodge Grand  
29 Caravan. The NDD alerted by sitting inside the vehicle,

TKM

1 indicating the presence of a narcotic odor. Further inspection  
2 by CBPO Brunette resulted in the discovery of a non-factory  
3 compartment located in the roof of the Grand Caravan, which  
4 contained a total of seventeen (17) packages containing a green  
5 leafy substance. A random sample was obtained from one of the  
6 packages, which field-tested positive for marijuana. The total  
7 weight of the marijuana was 37.05 kilograms (81.73 pounds).  
8 SCOTT was arrested for importation of marijuana into the United  
9 States.

10 Special Agents with Immigration and Customs Enforcement  
11 (ICE) conducted a visual inspection of the Grand Caravan and  
12 noted various toys for toddlers and the fuel gauge, which  
13 indicated 1/8 of a tank. SCOTT was searched incident to arrest  
14 and had \$2.00 on his person, no credit cards, or other monetary  
15 instruments.

16 SCOTT was later advised of his Constitutional rights  
17 according to Miranda, which he acknowledged and waived. SCOTT  
18 declared he purchased the "Dodge" vehicle three days ago and had  
19 paid \$900.00 U.S. dollars in three installments of \$400.00,  
.20 \$200.00 and \$300.00.

21 As SCOTT proceeded with his statements, he clutched and  
22 crossed his arms, made no eye contact with the agents, and turned  
23 his head away. SCOTT continued and stated he did not want to get  
24 in trouble and did not want to get anyone else in trouble so he  
25 terminated the interview.

26 SCOTT was transported to the Metropolitan Correctional  
27 Center, San Diego, California awaiting his Initial Appearance  
28 before a U. S. Magistrate Judge in San Diego, California.  
29